

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal No. 2019-65
)	
SAMUEL ELIAS PENA COLUMNA and)	
RAMMER ANDRES GUERRERO-MORALES)	
)	
Defendants.)	
)	

ATTORNEYS:

Gretchen C.F. Shappert, United States Attorney

Juan Albino, AUSA

United States Attorney's Office

St. Thomas, U.S.V.I.

For the United States of America,

Michael L. Sheesley

MLSPC

St. Thomas, U.S.V.I.

For Samuel Elias Pena Columna,

Yohana M Manning

Christiansted, U.S.V.I.

For Rammer Andres Guerrero-Morales.

ORDER

GÓMEZ, J.

Before the Court is the trial in this matter, currently scheduled for April 20, 2020. For the reasons stated herein, the time to try this case is extended up to and including July 27, 2020.

On March 17, 2020, the Chief Judge of the District Court of the Virgin Islands entered a general order responding to the COVID-19 pandemic. The Chief Judge noted that the pandemic had been declared a national emergency and a public health emergency by the President of the United States. The Chief Judge also noted that the Governor of the Virgin Islands had declared a state of emergency. The Chief Judge found it necessary to "take reasonable and prudent actions" "in order to further public health and safety, and the health and safety of Court personnel, counsel, litigants, other case participants, jurors, persons with other business at the courthouse, and the general public." *Mar. 17, 2020, D.V.I. General Order* at 1-2, <https://www.vid.uscourts.gov/sites/vid/files/general-ordes/CoronaVirusOperationsOrder.pdf>.

Among other precautionary measures, the Chief Judge continued all criminal trials scheduled from March 18, 2020, through April 16, 2020. The Chief Judge found that the ends of justice required excluding March 18, 2020, through April 16, 2020, from the Speedy Trial count in all criminal matters.

Such exclusion is necessary as to any cases scheduled for trial during the March 18, 2020[,] through April 16, 2020[,] period in order to assure that there is a full, unhindered, continuously serving jury venire and seated jury in every case, which is central to the sound administration of justice. Such exclusion of time is also necessary in cases that are set for trial outside of the March 18, 2020[,] through April

16, 2020[,] time period, as well as cases that are not yet set for trial, in order to address the reasonably anticipated difficulties in defense counsel communicating or visiting with clients; the difficulties that the parties are likely to face in undertaking all of the tasks necessary to fully prepare for trial; and the inherent delay in the scheduling of further trials as a consequence of the exclusion period herein.

Id. at 2-3.

Since the Chief Judge entered the general order, the crisis in the U.S. Virgin Islands and the United States in general has intensified. On March 17, 2020, there were approximately 7,000 confirmed cases in the United States, 2 of which were in the U.S. Virgin Islands. As of the date of this Order, there are over 188,000 confirmed cases in the United States, 30 of which are in the U.S. Virgin Islands. The virus has claimed over 3,900 lives in the United States. The number of cases and deaths continues to rise.

Recognizing the gravity of the situation, Congress passed an unprecedented financial assistance package, the CARES Act, on March 27, 2020. The Act was signed into law by the President of the United States that same day. Among its many provisions, the CARES Act authorizes district courts to use teleconferencing to hold felony pleas and felony sentencings under appropriate circumstances. See CARES Act, § 15002(b)(2), H.R. 748, 248-49.

While the Speedy Trial Act requires that defendants be tried within seventy days of indictment, the Court specifically finds that further extending this period would be in the best interest of justice. In order to avoid overwhelming our healthcare system, it is essential that action be taken to slow the spread of the virus. Social distancing--specifically avoiding gatherings of more than 10 people and maintaining a distance of at least 6 feet from others--is the most effective check against the COVID-19's transmission. Given the increasingly dire circumstances faced by the U.S. Virgin Islands and the United States as a whole, the Court finds that a greater extension of time is necessary for the protection and well-being of the defendant, the jury, the prosecutors, the witnesses, the court personnel, and the general public at large.

The premises considered, it is hereby

ORDERED that the time beginning from the date of this order granting an extension through July 27, 2020, shall be excluded in computing the time within which the trial for Samuel Elias Pena Columna and Rammer Andres Guerrero-Morales must be initiated pursuant to 18 U.S.C. § 3161; it is further

ORDERED that the trial in this matter previously scheduled for April 20, 2020, is **RESCHEDULED** to commence promptly at 9:00

A.M. on July 27, 2020, in Saint Thomas Courtroom 1; and it is further

ORDERED that the motion of the United States, ECF No. 156, to continue the trial is **MOOT**.

S\ _____
Curtis V. Gómez
District Judge